

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MARLAYNA G. TILLMAN,

Plaintiff,

v.

THE PEPSI BOTTLING GROUP, INC.,
and TEAMSTERS LOCAL UNION 830

Defendants.

C.A. Number: 04-1314

**SUPPLEMENTAL APPENDIX OF DEFENDANT BOTTLING
GROUP, LLC IN FURTHER SUPPORT OF ITS MOTION
FOR SUMMARY JUDGMENT ON PLAINTIFF'S CLAIMS
AND ITS MOTION FOR SUMMARY JUDGMENT AND
SANCTIONS ON ITS COUNTERCLAIMS
AGAINST PLAINTIFF**

William M. Kelleher (#3961)
Ballard Spahr Andrews & Ingersoll, LLP
919 Market Street, 17th Floor
Wilmington, DE 19801
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OF COUNSEL:
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34	Excerpts of Plaintiff's Deposition
35	Excerpts of Wilmington Employee List
36	Second Altman Verification

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Marlayna G. Tillman

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1 A. That was the money we were paid for driving
2 our own car to and from our sites that we were
3 supposed to service.

4 Q. Are you telling me they just gave you a check
5 for \$200 for driving your own car?

6 A. It says approximately. They factored it in
7 based on the mileage at each pay period.

8 Q. So did you submit something to get reimbursed
9 for mileage?

10 A. Yeah.

11 Q. And what was that?

12 A. Forms that we filled out that showed our time
13 and whereabouts.

14 Q. And how far you drove?

15 A. Yeah, and our mileage.

16 Q. And were you compensated per mile?

17 A. Yeah.

18 Q. So it's not a stipend, it was a reimbursement
19 for the mileage that you drove at work? Is that a
20 fair characterization of what this means?

21 A. I guess. I didn't write the -- I didn't
22 write the thing, so --

23 Q. Is it your belief that it was \$200 a pay
24 period?

Marlayna G. Tillman

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1 Q. Did you have a CDL at this period of time?

2 A. Which period of time?

3 Q. We are talking about, you said this is in
4 2002 --

5 A. No.

6 Q. -- when you were talking about receiving back
7 pay. I'm asking you about a conversation you had
8 with Tracey and what Tracey said. I said did Tracey
9 ever tell you you needed to have a CDL in order to
10 get that position in order to get paid what you
11 wanted to be paid. You said yes.

12 I said did you have a CDL and you said
13 no; right?

14 A. Correct.

15 Q. Did you talk to Rhonda about the same issue?

16 A. Um, yeah, we talked about a couple things,
17 but my main topic with her was about getting the
18 actual training to get the CDL.

19 Q. Okay. And what did Rhonda tell you?

20 A. She more or less just reiterated the same
21 thing that Tracey said. It was that in order to
22 apply for the driver position you have to have the
23 CDL, and again part of my problem was that I
24 couldn't receive the training. I was trying to

35

Wilmington Employees 2001

Corrigan, Jeffrey M.	5/18/1998	M	White	Warehouse Person
Crilley Jr., John J.	5/29/1980	M	White	Sales Manager
Crouse, Ryan D.	1/9/2001	M	White	Merchandiser
Curtis, Christopher R.	8/19/1985	M	White	Conventional CR
Davis, Anthony M.	5/23/2001	M	Black/African American	Merchandiser
Davis, Frederick J.	12/31/1990	M	White	Fleet Mechanic
Demby, Marshall L.	7/9/1990	M	Black/African American	Machine Operator
Diubaldo, Domenic A.	12/16/1998	M	White	Bulk Account Customer Rep (A)
Dongre, James P.	5/14/2001	M	Asian/Pacific Islander	Warehouse Person
Earl, Leon S.	1/16/1978	M	Black/African American	Gen Labor
Egan, Sean T.	12/15/1997	M	White	Relief Customer Representative
Eshin, Scott B.	12/31/1990	M	White	Fleet Mechanic
Evoy, Jonathan D.	6/11/2001	M	White	New Business Sales Rep
Falline, Robert A.	10/27/1981	M	White	Production Supv
Farmer, Roy E.	5/14/2001	M	Black/African American	Warehouse Person
Faulkner, Louis H.	5/22/1990	M	Black/African American	Gen Labor
Felicetti, James L.	12/17/1973	M	White	Tritr/Trmsp Driver
Felicetti, Jeffrey S.	7/2/1984	M	White	Tritr/Trmsp Driver
Fields, Matthew M.	6/14/2001	M	White	Merchandiser
Filman, Kenneth D.	9/27/1978	M	White	Tritr/Trmsp Driver
Flinney, Howard L.	12/13/1989	M	Black/African American	Machine Operator
Fleming, Alice R.	6/7/2001	F	Black/African American	Warehouse Person
Flowers, Ronald A.	6/11/1980	M	Black/African American	Warehouse Person
Frederick Sr., Russell W.	1/13/1986	M	White	Technician
Fulvio, Christopher M.	10/2/1985	M	White	Conventional CR
Gage, Sean M.	3/1/2001	M	Asian/Pacific Islander	Merchandiser
Gray, Christopher L.	9/19/1994	M	White	Production Supv
Green, Crystal Sharon	4/15/1999	F	Black/African American	Administrator
Green, Herbert L.	8/11/2001	M	Black/African American	Merchandiser
Gricco, Chris A.	7/18/1984	M	White	TSM-On Premise
Grundy, Robert B.	7/8/1985	M	Black/African American	Prod Avail Supv
Haften, Raymond E.	6/3/1985	M	White	Conventional CR
Hanstein, George E.	11/8/1999	M	White	Prod Mech
Harrington, Christopher W.	8/3/2000	M	White	Merchandiser
Harris III, George A.	1/17/2001	M	Black/African American	Warehouse Person
Henderson, Bruce L.	3/24/1980	M	White	Sanitizer
Hershfeld, Jeffrey L.	9/10/2001	M	White	Prod Avail Supv
Hitchens, David	7/8/1991	M	White	Tritr/Trmsp Driver
Iovachini III, Vincent J.	8/26/2001	M	White	Warehouse Person
Jabkowski, Gregory M.	7/3/2001	M	White	Merchandiser

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Wilmington Employees 2001

Jackson, Dwayne E.	5/29/2001	5/30/2001	M	Black/African American	Warehouse Person
Jackson, Sean	4/28/1993		M	White	Prod Avail Supv
Johnson Sr., Michael A	7/27/1992		M	Black/African American	Trlr/Trnsp Driver
Johnson, Eugene C	1/30/1989		M	White	Prod Mech
Johnson, Matthew J	1/11/1988	2/4/2004	M	White	Full Service Driver
Johnson, Scott A	6/1/1992		M	White	TSM-Bulk
Jones, DeJuan P.	4/17/2001	4/17/2001	M	Black/African American	Merchandiser
Kampmann, Leo E	4/5/1970	2/27/2006	M	White	Bulk Driver
Karnal, Stephen J	4/3/1989		M	White	Warehouse Person
Kearney, David J.	12/11/2000	1/2/2001	M	White	Merchandiser
Kelleher, James W	8/24/1990		M	White	TSM-Conv
Kelly, Andrew P.	4/4/2001	5/26/2001	M	White	Merchandiser
Kern, Clifford Albert	5/28/1998	5/18/2003	M	White	Merchandiser
King, Howard A	4/25/1990		M	White	Trlr/Trnsp Driver
Klaczekiewicz, Amanda L	6/30/1986		F	White	Analyst-Customer Information
Klein, Timothy J	11/21/1994	9/28/2005	M	White	Relief Customer Representative
Laws, Howard M	4/25/1991		M	Black/African American	Warehouse Person
Lawton Sr., Alfred D	7/29/1974		M	White	Technician
Lemon, Allon S.	6/18/2001	3/7/2002	M	Black/African American	Warehouse Person
Lobue, Thomas J	5/20/1974	7/4/2004	M	White	Bulk Driver
Loper Jr., Ernest	6/21/1990		M	Black/African American	Gen Labor
Lovins, Michael J.	12/26/2001		M	White	Qc Lab Technician
Mackrell, Charles S	7/17/2000		M	White	Prod Mech
Maley, Thomas J	3/1/1993		M	White	Conventional CR
Mast, Dean E	10/30/1978		M	White	Bulk Driver
Matthews, Merrill James	2/8/1999	3/15/2004	M	Black/African American	Warehouse Person
Matthews, William G	8/7/1989		M	White	Prod Avail Supv
Mauragas, Mark Matthew	12/17/2001	9/4/2006	M	White	Merchandiser
McClain Jr., Charlie	4/11/1995		M	Black/African American	Gen Labor
McCormick Jr., James J.	6/10/1996	7/22/2004	M	White	Warehouse Person
McFarland, David T.	6/6/2001	11/1/2001	M	White	Merchandiser
McGalliard, Richard W	8/31/1978		M	White	Bulk Driver
McGonigle, William J	6/22/1987		M	White	Gen Labor
McHugh II, Donald F.	6/11/2001	10/6/2002	M	White	Merchandiser
McNeil, Cory J.	5/29/2001	7/6/2001	M	Black/African American	Warehouse Person
McCarson, Richard W	12/28/1998		M	White	Supervisor-Delivery
Meadow, Robin	2/5/1990		M	White	Machine Operator
Meloro, Antonio A	4/25/1995	7/31/2001	M	White	Warehouse Person
Middleton, Holly	5/20/1991		F	White	Administrator
Milici, Eric D	12/22/1997	8/5/2003	M	White	Bulk Account Customer Rep (A)

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Wilmington Employees 2001

Williams Sr., James K.	11/27/1995	4/30/2006	M	White	Sanitizer
Williams, William R.	9/23/1985		M	White	Technician
Wise, John D.	4/20/2000		M	White	Warehouse Person
Wray III, Bruce E.	10/21/1997		M	White	Merchandising Manager
Wright, Jeffrey L.	8/18/1975		M	White	Conventional CR
Wyatt, Richard D.	5/10/1993	5/8/2002	M	White	Delivery Driver
Young, Amy J.	6/5/2000	7/12/2002	F	White	New Business Sales Rep
Zell, Deborah A.	1/22/1984		F	White	KAM II OP (MU)
Zembala, David A.	3/3/2001	5/26/2001	M	White	Merchandiser
Ziegler, Robert A.	5/29/1989		M	White	TSM-Bulk

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Wilmington Employees 2002

Mackrell, Charles S	7/17/2000	M	White	Mechanic - Production
Maley, Thomas J	3/1/1993	M	White	CR - Conventional
Mast, Dean E	10/30/1978	M	White	Bulk Driver
Mast, Dean E	10/30/1978	M	White	Delivery Driver - Bulk
Matthews, Merrill James	2/8/1999	M	Black/African American	Warehouse Person
Matthews, William G	8/7/1989	M	White	Prod Avail Supv
Mauragas, Mark Matthew	12/17/2001	M	White	Merchandiser
McCarson, Richard W	12/28/1998	M	White	Supervisor-Delivery
McClain Jr., Charlie	4/11/1995	M	Black/African American	General Labor/Ops
McCormick Jr., James J.	6/10/1996	M	White	Warehouse Person
McGalliard, Richard W	8/31/1978	M	White	Delivery Driver - Bulk
McGonigle, William J	6/22/1987	M	White	General Labor/Ops
McHugh II, Donald F.	6/11/2001	M	White	Merchandiser
McNatt, Wade M	3/25/2002	M	White	Warehouse Person
Meadow, Robin	2/5/1990	M	White	Machine Operator
Middleton, Holly	5/20/1991	F	White	Admin Assistant-Operations
Milici, Eric D	12/22/1997	M	White	CR - Bulk Account - A
Miller, Daniel J.	12/11/1995	M	White	Warehouse Person
Miller, Jackie E	10/4/1982	M	Black/African American	CR - Conventional
Mishaw, Angus W	11/23/1982	M	White	Delivery Driver
Morgan, Berit M.	5/1/1995	F	White	MJ Financial Process Mgr
Morrison, William C	12/8/1986	M	White	Warehouse Person
Murdoch Jr., Robert W	7/20/1990	M	White	General Labor/Ops
Murphy, James	8/25/1980	M	White	CR - Conventional
Nau, Jeffrey G	4/25/1977	M	White	CR - Conventional
Nelson, Craig M	5/23/1994	M	White	New Business Sales Rep
Nelson, Craig M	5/23/1994	M	White	Territory Support Coordinator
Newton, Herbert L	5/25/1990	M	Black/African American	Gen Labor
Newton, Herbert L	5/25/1990	M	Black/African American	General Labor/Ops
Obara Jr., John Charles	12/29/1997	M	White	Checker
O'Connor, Thomas J	4/16/1985	M	White	CR - Conventional
O'Connor, Thomas J	4/16/1985	M	White	Conventional CR
O'Donald Jr., Richard W	4/2/1979	M	White	CR - Conventional
O'Hara, Shawn M.	4/26/1999	M	White	Warehouse Person
Olds, Adam J.	5/29/2002	M	White	Warehouse Person
Olowolafe, Kenny O.	5/28/2001	M	Black/African American	Account Sales Rep
Olowolafe, Kenny O.	5/28/2001	M	Black/African American	TSM-Conv
Osciak, John J	10/13/1987	M	White	Conventional CR
Osciak, John J	10/13/1987	M	White	Delivery Driver - Trlr/Trmsp
Osik, Robert A.	1/7/2002	M	White	Merchandiser

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Wilmington Employees 2003

Lobue, Thomas J	6/20/1974	M	White	Delivery Driver - Bulk Machine Operator
Loper Jr., Ernest	6/21/1990	M	Black/African American	QC Lab Technician
Lovins, Michael J.	12/26/2001	M	White	Warehouse Person
Lubrano, Angelo J.	4/28/2003	M	White	Mechanic - Production
Mackrell, Charles S	7/17/2000	M	White	General Labor/Ops
Mackrell, Eric T.	7/22/2003	M	White	CR - Conventional
Maley, Thomas J	3/1/1993	M	White	Delivery Driver - Bulk
Mast, Dean E	10/30/1978	M	White	Delivery Driver - Full Service
Mast, Dean E	10/30/1978	M	Black/African American	Warehouse Person
Matthews, Merrill James	2/8/1999	M	White	Prod Avail Supv
Matthews, William G	8/7/1989	M	White	Merchandiser
Mauragas, Mark Matthew	12/17/2001	M	White	Supervisor-Delivery
Mccarson, Richard W	12/28/1998	M	White	Machine Operator
McClain Jr., Charlie	4/11/1995	M	Black/African American	Sanitizer
McCormick Jr., James J.	6/10/1986	M	White	Merchandiser
McDonald, Adam K.	5/28/2003	M	White	Delivery Driver - Bulk
McGalliard, Richard W	8/31/1978	M	White	General Labor/Ops
McGonigle, William J	6/22/1987	M	White	Machine Operator
Meadow, Robin	2/5/1990	M	White	Admin Assistant-Operations
Middleton, Holly	5/20/1991	F	White	CR-2 Person Bulk-VROT
Milici, Eric D	12/22/1997	M	White	Warehouse Person
Miller Jr., Jackie E	7/9/2003	M	Black/African American	Forklift Oper
Miller, Daniel J.	12/11/1995	M	White	Warehouse Person
Miller, Daniel J.	12/11/1995	M	White	CR - Conventional
Miller, Jackie E	10/4/1982	M	Black/African American	Delivery Driver - Bay
Mishaw, Angus W	11/23/1982	M	White	Warehouse Person
Moody, Larry A.	5/27/2003	M	Black/African American	Financial Process Mgr - MU
Morgan, Bert M.	5/1/1995	F	White	Warehouse Person
Morrison, William C	12/8/1986	M	White	General Labor/Ops
Murdoch Jr., Robert W	7/20/1990	M	White	CR - Conventional
Murphy, James	8/25/1980	M	White	CR - Conventional
Nau, Jeffrey G	4/25/1977	M	White	On Premise Sales Rep
Nelson, Craig M	5/23/1994	M	White	General Labor/Ops
Newton, Herbert L	5/25/1990	M	Black/African American	Checker
Obara Jr., John Charles	12/29/1987	M	White	CR - Conventional
O'Connor, Thomas J	4/16/1985	M	White	CR - Conventional
O'Donald Jr., Richard W	4/2/1979	M	White	

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Wilmington Employees 2004

Krygier, Kenneth L.	8/8/2002	2/23/2005	M	White	CR-2 Person Bulk-VROT
Kuech, Tabatha J.	10/15/2002		F	White	Safety Mgr Mu
Laws, Howard M	4/25/1991		M	Black/African American	Warehouse Person
Lawton Sr., Alfred D	7/29/1974		M	White	Technician
Lewis, Leroy J.	6/17/2002		M	Black/African American	Machine Operator
Liang, Raymond	5/27/2003		M	Asian/Pacific Islander	General Labor/Ops
Lobue, Thomas J	5/20/1974	7/4/2004	M	White	Delivery Driver - Bulk
Loper Jr., Ernest	6/21/1990		M	Black/African American	Machine Operator
Lovins, Michael J.	12/26/2001		M	White	QC Lab Technician
Mackrell, Charles S	7/17/2000		M	White	Mechanic - Production
Mackrell, Eric T.	7/22/2003		M	White	QC Lab Technician
Maley, Thomas J	3/1/1993		M	White	Delivery Driver - Bay
Martin, Adam G.	5/17/2004		M	White	Merchandiser
Mast, Dean E	10/30/1978		M	White	Delivery Driver - Bay
Matthews, Merrill James	2/8/1999	3/15/2004	M	Black/African American	Warehouse Person
Matthews, William G	8/7/1989		M	White	Prod Avail Supy
Mauragas, Mark Matthew	12/17/2001	9/4/2005	M	White	Merchandiser
McCann, Curtis J	5/24/2004	8/7/2004	M	White	Warehouse Person
McClain Jr., Charlie	4/11/1995		M	Black/African American	Machine Operator
McCormick Jr., James J.	6/10/1996	7/22/2004	M	White	Sanitizer
McDaniel, Brian J.	6/15/2004	7/30/2004	M	White	Warehouse Person
McDonald, Adam K.	5/28/2003	3/1/2004	M	White	Merchandiser
McGalliard, Richard W	8/31/1978		M	White	Delivery Driver - Bulk
McGonigle, William J	8/22/1987		M	White	Warehouse Person
McMann, Timothy D.	8/22/2004		M	White	CR-2 Person Bulk-VROT
McCarson, Richard W	12/28/1998		M	White	Supervisor-Delivery
Meadow, Robin	2/5/1990		M	White	Machine Operator
Middleton, Holly	5/20/1991		F	White	Admin Assistant-Operations
Miller, Daniel J.	12/17/1995		M	White	Forklift Oper
Miller, Jackie E	10/4/1982	2/22/2006	M	Black/African American	CR - Conventional
Mishaw, Angus W	11/23/1982		M	White	Delivery Driver - Full Service
Moody, Larry A.	5/27/2003	8/30/2005	M	Black/African American	Warehouse Person
Morgan, Bert M.	5/1/1995	3/22/2004	F	White	Mgr MU Compl & Cntrl
Munson, Christine A.	4/8/2004	6/3/2004	F	Black/African American	Admin Assistant-S&D
Murdoch Jr., Robert W	7/20/1990	11/17/2004	M	White	Delivery Driver - Bay
Murphy, James	8/25/1980	9/8/2005	M	White	Delivery Driver - Bay
Nau, Jeffrey G	4/25/1977		M	White	Delivery Driver - Bulk

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MARLAYNA G. TILLMAN,

Plaintiff,

v.

THE PEPSI BOTTLING GROUP, INC.,
and TEAMSTERS LOCAL UNION 830

Defendants.


C.A. Number: 04-1314

SECOND VERIFICATION OF SARA (SWARTZ) ALTMAN

I, Sara (Swartz) Altman, pursuant to 28 U.S.C. § 1746, state the following based upon my personal knowledge:

1. In early April 2002, Plaintiff, Marlayna Tillman, applied for, was offered and accepted a second shift warehouse position. Plaintiff's scheduled start date was April 29, 2002. However, before this date, Plaintiff rescinded her acceptance and chose to remain in the Sales Department. Plaintiff did not disclose to PBG the reason for her rescission.
2. While I was employed at PBG, when a union employee bid for a position, it was Human Resources that determined whether the employee was qualified for and had sufficient seniority to be awarded the bid.
3. When Matt Fields, a non-union merchandiser, worked as a helper in the conventional sub-department, he was paid the merchandiser rate.
4. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 2nd day of May 2007.


Sara (Swartz) Altman